

REMARKS

Applicant is in receipt of the Office Action mailed March 25, 2005, solely in the nature of a requirement for restriction, which Office Action has **NOT** set a shortened term for reply. Accordingly, the present reply is timely without the necessity of applicant purchasing an extension of time.

Applicant has claimed priority from two applications filed in Australia in 1999, and certified copies of the priority documents were transmitted by the International Bureau of WIPO to the file of parent application 09/959,897. **Accordingly, applicant respectfully requests the PTO to acknowledge receipt of applicant's papers filed under \$119.**

Restriction has been required between what the PTO deems to be two (2) patentably distinct inventions, even though claim 7 is listed in both groups and indeed claim 7 is the **only** original claim in Group II. As applicant must make an election, even though the requirement is traversed, applicant hereby respectfully and provisionally elects Group I, with traverse and without prejudice.

Claim 7 has been amended in such a way as to cause withdrawal of the restriction requirement, and new claims 8-12 have been added, these being in the same form as amended claim 7 except dependent respectively on claims 2-6. These Group II

In re of Appln. No. 10/642,289  
Reply dated: June 1, 2005  
In reply to OA dated March 25, 2005


claims are not directed to pharmaceutical compositions comprising modulators of the kinase, and therefore should be examined along with the compounds of Group I, applicant respectfully noting that the PTO's requirement itself includes "compositions" in Group I. Accordingly, all of applicants' claims fall within Group I..

Withdrawal of the requirement is respectfully requested.

Applicants respectfully await the results of a first examination on the merits.

Respectfully submitted,

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